

1 LUIS A. AYON, ESQ.
2 NEVADA BAR NO. 9752
3 **AYON LAW, PLLC**
4 8716 Spanish Ridge Ave., Suite 115
5 Las Vegas, Nevada 89148
6 Telephone: (702) 600-3200
7 Facsimile: (702) 447-7936
8 E-Mail: laa@ayonlaw.com
9 ars@ayonlaw.com
10 *Attorneys for Eva and Ron Haus*

11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 THE BANK OF NEW YORK MELLON
14 FKA
15 THE BANK OF NEW YORK AS TRUSTEE
16 FOR THE BENEFIT OF THE
17 CERTIFICATE HOLDERS OF THE
18 CWLAT, INC.,
19 ALTERNATIVE LOAN TRUST 2004-j09,
20 MORTGAGE PASS THROUGH
21 CERTIFICATES, SERIES 2004-J09,

22 Plaintiff,

23 v.

24 PAINTED DESERT COMMUNITY
25 ASSOCIATION; RON HAUS; EVA
26 BEROU; and NEVADA ASSOCIATION
27 SERVICES,

28 Defendants.

Case No.: 2:17-cv-01466-JCM-NJK

**MOTION TO EXTEND THE DEADLINE TO
SERVE CONFIDENTIAL SETTLEMENT
STATEMENT**

29 Defendants Ron Haus and Eva Berou (“Defendants”) by and through their attorneys of
30 record, the law firm of AYON LAW, PLLC, hereby files this motion to extend the deadline to serve
31 its Settlement Conference Statement to Magistrate Nancy J. Koppe. This is the first request for an
32 extension of this deadline.

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1 This motion is made pursuant to District Court of Nevada LR IA 6-1(a), based on the
2 following memorandum of points and authorities, the papers and pleadings on file herein and any
3 oral arguments the Court may entertain.

4 DATED this 17th day of October, 2018.

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6 **AYON LAW, PLLC**

7 /s/ Luis A. Ayon
8 Luis A. Ayon, Esq.
9 Nevada Bar No. 9752
10 8716 Spanish Ridge Ave., Ste. 115
11 Las Vegas, Nevada 89148
12 *Attorneys for Defendants Eva Berou*
13 *and Ron Haus*

14 **MEMORANDUM OF POINTS AND AUTHORITIES**

15 **I. INTRODUCTION**

16 This case has been referred to set a settlement conference, [ECF No. 45]. The settlement
17 conference is set for October 24, 2018 at 9:30 a.m. before Magistrate Judge Nancy Koppe.

18 On August 28, 2018, the District Court filed an Order [ECF No. 46] to set the settlement
19 conference and ordered each party to submit a Confidential Settlement Statements for in camera
20 review, (*See*: ECF No. 46, page 2, lines10-11 and 10-12), and each party to deliver its Confidential
21 Settlement Statement to chambers no later than 3:00 p.m. on October 17, 2018.

22 Counsel for Defendants office staff member contacted the District Court on October 17,
23 2018 to request a small extension and were instructed to file a request on the court docket.

24 Based on the foregoing, Defendants are requesting a short extension to serve the
25 Confidential Settlement Statement, pursuant to District Court of Nevada LR IA 6-1(a).

26 **II. LEGAL ARGUMENT**

27 **A. LEGAL STANDARD**

28 District Court of Nevada LR IA 6-1(a) states:

A motion or stipulation to extend time must state the reasons for the extension requested and must inform the court of all previous extensions of the subject deadline the court granted. (Examples: "This is the first stipulation for extension of

1 time to file motions.” “This is the third motion to extend time to take discovery.”)
2 A request made after the expiration of the specified period will not be granted
3 unless the movant or attorney demonstrates that the failure to file the motion before
4 the deadline expired was the result of excusable neglect. Immediately below the
5 title of the motion or stipulation there also must be a statement indicating whether
6 it is first, second, third, etc., requested extension...

7
8 See LR IA 6-1(a). Pursuant to District Court of Nevada LR IA 6-1(a), Ron Haus and Eva Berou are
9 requesting a short extension serve its Confidential Settlement Statement.

10 **B. EXCUSABLE NEGLIGENCE EXISTS TO ALLOW THE COURT TO GRANT AN EXTENSION**

11 Due to a complex schedule, Defendant’s counsel, is not able to serve the statement according to
12 the specifications in the Order [ECF No. 46] nor to timely submit the Confidential Settlement
13 Statement before the prescribed deadline and would fail to submit the Statement by the deadline,
14 October 17, 20018 by 3:00 p.m. which is a result of excusable neglect. Defendants are requesting an
15 additional (1) day to serve the Confidential Settlement Statement up and until noon 12 p.m. on October
16 18, 2018.

17 DATED this 17th day of October, 2018.

18 **AYON LAW, PLLC**

19 /s/ Luis A. Ayon

20 LUIS A. AYON, ESQ.

21 Nevada Bar No. 9752

22 8716 Spanish Ridge Ave., Ste. 115

23 Las Vegas, Nevada 89148

24 *Attorneys for Defendants Eva Berou and Ron Haus*

25
26 Good cause has not been shown for an extension, but
27 this motion will be GRANTED as a one-time courtesy
28 to Defendants and their counsel. IT IS SO
ORDERED.

29
30 
31 Nancy J. Koppe
32 United States Magistrate Judge

33 October 18, 2018